

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RANDALL MENGES,

Plaintiff,

vs.

AUSTIN KNUDSEN, Attorney General
of the State of Montana; GARY
SEDER, Bureau Chief of the Montana
Crime Information Bureau; and SARA
MALIKIE, Head of the Sexual and
Violent Offenders Program for the
Missoula County Sheriff's Office, each
in their official capacities,

Defendants.

CV 20–178–M–DLC

ORDER

Before the Court is the parties' Joint Stipulation to Stay Litigation of Costs and Fees Pending Appeal. (Doc. 39.) This Court entered judgment on May 11, 2021 and Defendants filed their notice of appeal the next day. (Docs. 35–37.) In light of this appeal, the parties request that this Court stay "all proceedings regarding the recovery of costs and attorneys' fees in this action until 30 days after the Ninth Circuit Court of Appeals issues its mandate or the appeal is otherwise resolved." (Doc. 39 at 1.)

Federal Rule of Civil Procedure 54(d)(2)(B) permits this Court to defer such adjudication until resolution of a pending appeal. *See* Notes of Advisory Committee (1993 amend.); *but see also Emblaze Ltd. v. Apple, Inc.*, 2015 WL

1304779, *1 (N.D. Cal. 2015) (noting that while courts have this power they “have rarely chosen to” exercise it). In light of the parties’ joint request for such a stay, however, the Court elects to exercise such discretion and afford the parties the relief they request.

Accordingly, IT IS ORDERED that all proceedings regarding the recovery of costs and attorneys’ fees in the above-captioned matter are STAYED until 30 days after the Ninth Circuit Court of Appeals has issued its mandate or the appeal is otherwise resolved.

DATED this 18th day of May, 2021.



Dana L. Christensen, District Judge
United States District Court